

3031

2011-2012 Regular Sessions

I N S E N A T E

February 7, 2011

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to the disposition of revenue from the lottery prize account

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraphs 3 and 4 of subdivision a of section 1612 of the  
2 tax law, paragraph 3 as amended by section 2 of part D of chapter 383 of  
3 the laws of 2001 and paragraph 4 as amended by chapter 2 of the laws of  
4 1995, are amended to read as follows:

5 (3) [fifty] FORTY-FIVE percent of the total amount for which tickets  
6 have been sold for games known as: (A) the "Daily Numbers Game" or "Win  
7 4", discrete games in which the participants select no more than three  
8 or four of their own numbers to match with three or four numbers drawn  
9 by the division for purposes of determining winners of such games, (B)  
10 "Pick 10", offered no more than once daily, in which participants select  
11 from a specified field of numbers a subset of ten numbers to match  
12 against a subset of numbers to be drawn by the division from such field  
13 of numbers for the purpose of determining winners of such game, (C)  
14 "Take 5", offered no more than once daily, in which participants select  
15 from a specified field of numbers a subset of five numbers to match  
16 against a subset of five numbers to be drawn by the division from such  
17 field of numbers for purposes of determining winners of such game, and  
18 (D) any joint, multi-jurisdiction, and out-of-state lottery; or

19 (4) [forty] THIRTY-FIVE percent of the total amount for which tickets  
20 have been sold for: (A) "Lotto", offered no more than once daily, a  
21 discrete game in which all participants select a specific subset of  
22 numbers to match a specific subset of numbers, as prescribed by rules  
23 and regulations promulgated and adopted by the division, from a larger  
24 specific field of numbers, as also prescribed by such rules and regu-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 lations and (B) with the exception of the game described in paragraph  
2 one of this subdivision, such other state-operated lottery games which  
3 the division may introduce, offered no more than once daily, commencing  
4 on or after forty-five days following the official publication of the  
5 rules and regulations for such game.

6 S 2. The opening paragraph of paragraph 1 of subdivision b of section  
7 1612 of the tax law, as amended by section 1 of part O-1 of chapter 57  
8 of the laws of 2009, is amended to read as follows:

9 Notwithstanding section one hundred twenty-one of the state finance  
10 law, on or before the twentieth day of each month, the division shall  
11 pay into the state treasury, to the credit of the state lottery fund  
12 created by section ninety-two-c of the state finance law, not less than  
13 [forty-five] FIFTY percent of the total amount for which tickets have  
14 been sold for games defined in paragraph four of subdivision a of this  
15 section during the preceding month, not less than thirty-five percent of  
16 the total amount for which tickets have been sold for games defined in  
17 paragraph three of subdivision a of this section during the preceding  
18 month, not less than [twenty] FORTY percent of the total amount for  
19 which tickets have been sold for games defined in paragraph two of  
20 subdivision a of this section during the preceding month, provided  
21 however that for games with a prize payout of seventy-five percent of  
22 the total amount for which tickets have been sold, the division shall  
23 pay not less than ten percent of sales into the state treasury and not  
24 less than twenty-five percent of the total amount for which tickets have  
25 been sold for games defined in paragraph one of subdivision a of this  
26 section during the preceding month; and the balance of the total revenue  
27 after payout for prizes for games known as "video lottery gaming," (i)  
28 less ten percent of the total revenue wagered after payout for prizes to  
29 be retained by the division for operation, administration, and procure-  
30 ment purposes; (ii) less a vendor's fee the amount of which is to be  
31 paid for serving as a lottery agent to the track operator of a vendor  
32 track:

33 S 3. This act shall take effect on the first of October next succeed-  
34 ing the date on which it shall have become a law.